REMARKS

This communication is in response to the Office Action mailed January 18, 2006. The Examiner continues to reject the claims as being obvious over Schmidt in combination with Toutonghi.

In the previous response, Applicant amended the independent claims to recite, using claim 1 as an example, "saving a snapshot of <u>an indication of</u> a state of the first thread and thereafter setting the state of the first thread to a safe state, <u>wherein the indication of the state of which the snapshot is saved is an indication of whether or not the first thread was consistent</u>." In the present rejection, now made final, the Examiner has essentially repeated the previous rejection.

As stated also in the previous response, Applicant reserves the option to later challenge the Examiner's assertions regarding Schmidt. Applicant would like to focus, for now, on the Examiner's assertions regarding Toutonghi. The statement of the present rejection is very similar to the statement of the rejection set forth in the previous Office Action. That is, now, the Examiner seems to contend that Toutonghi's "SuspendReturn" program, executed when the call that was being made when the thread was last hijacked returns, includes the feature added to the independent claims. Applicant respectfully disagrees.

Taking claim 1 as an example, the saving and restoring of the snapshot of the indication of the state of the thread (i.e., the indication of whether or not the thread was inconsistent) surrounds steps to ultimately alter the state of substantially all threads that are inconsistent to be consistent and to notify the first thread when the state of substantially all threads have been altered to be consistent. The SuspendReturn program, on the other hand, has a facility that "saves the contents of any of the threads registers that are used by the SuspendReturn program, so that execution of the SuspendReturn program does not have adverse effects on the continued execution of the calling program."

The Examiner contends that "Toutonghi teaches saving a snapshot of an indication of a state of the first thread, wherein the indication of the state of which the snapshot is saved is an indication of whether or not the first thread was consistent, and restoring the indication of the state of the first thread from the snapshot." Unfortunately, while the Examiner cites to various portions of the Toutonghi disclosure as alleged support for this contention, the Examiner does not discuss these various portions of the Toutonghi disclosure with any specificity.

Fig. 23, cited by the Examiner, illustrates steps of the SuspendReturn program. While steps 2301 and 2307 are "save registers" and "restore registers," respectively, there is no

indication that these saved and restored registers include a snapshot of an indication of a state of a thread, "wherein the indication of the state of which the snapshot is saved is an indication of whether or not the ... thread was consistent." Fig. 27, cited by the Examiner, includes steps of SaveAndZeroDisableGCCount() and RestoreDisableGCCount(). As described at col. 15, lines 36-46,

> The SaveAndZeroDisableGCCount API first copies the current DisableGC count to another location, then sets the DisableGC count to zero. The SaveAndZeroDisableGCCount API further performs the steps shown in FIG. 12 for the EnableGarbageCollection API in order to enable garbage collection for the section not accessing references. After completing the section not accessing references, the program calls the RestoreDisableGCCount API. The RestoreDisableGCCount API copies the former DisableGC count back to be the current DisableGC count.

The DisableGC count that is saved and restored is not a snapshot of an indication of a state of a thread, "wherein the indication of the state of which the snapshot is saved is an indication of whether or not the ... thread was consistent."

Col. 12, lines 61-67 and col. 13, lines 1-12 collectively describe the steps of Fig. 23. Col. 15, lines 8-67 and col. 16, lines 1-17 collectively describe the steps of Fig. 27. As discussed in the preceding paragraph, Figs. 23 and 27 (and, likewise, the text describing these figures at the cited portions of col. 12, 13, 15 and 16) do not disclose saving and restoring "a snapshot of an indication of a state of the ... thread, wherein the indication of the state of which the snapshot is saved is an indication of whether or not the ... thread was consistent."

Therefore, as Applicant is best able given the Examiner's broad brush citations to the Toutonghi disclosure, Applicant has shown that Toutonghi does not disclose the feature that the Examiner contends Toutonghi discloses. It is respectfully submitted that, therefore, the application is in condition for allowance.

Request for Designation of Particular Part of Toutonghi Relied Upon

If the Examiner persists in the contention, however, with regard to what Toutonghi allegedly discloses, Applicant respectfully requests the Examiner to cite more specifically which portions of the Toutonghi reference are alleged to recite the claim features. See, e.g., 37 CFR 1.104, which states

> When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

In the rejection, the pertinence of the Toutonghi reference is not apparent, since it is not clear which particular part of the Toutonghi reference is relied upon as disclosing saving and restoring

"a snapshot of an indication of a state of the … thread, wherein the indication of the state of which the snapshot is saved is an indication of whether or not the … thread was consistent."

Applicant has made a good faith attempt to respond to the rejection, and Applicant believes that the Toutonghi reference does not disclose what the Examiner says it discloses. However, more particular designations of parts of the Toutonghi reference relied upon by the Examiner would allow the Applicant to provide a more pointed and precise response.

It is particularly telling that, while the Examiner has stated that "Applicant's arguments with respect to claims 1, 4, and 7 have been considered but are moot in view of the new ground(s) of rejection," the rejection is not new at all but, merely, is the same as the prior rejection but recast in terms of the amended claim language.

Designations by reference number used in the Toutonghi reference would be very helpful. For example, what *particular* portion (by reference number) of the Toutonghi reference discloses "a snapshot of an indication of the … thread, <u>wherein the indication of the state of which the snapshot is saved is an indication of whether or not the … thread was consistent?</u>" Furthermore, what *particular* portion of the Toutonghi reference (by reference number) discloses "saving" such a snapshot of an indication? Yet further, what *particular* portion (by reference number) of the Toutonghi reference discloses "restoring" such a snapshot of an indication?

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully requests a
Notice of Allowance for this application from the Examiner. Should the Examiner believe that a
telephone conference would expedite the prosecution of this application, the undersigned can be
reached at the telephone number set out below.

Respectfully submitted,
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